



ITEM NO. 7

STAFF REPORT

DATE: MAY 3, 2011
TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: ROD FOSTER, CITY MANAGER
PREPARED BY: AMER JAKHER, P.E.; PUBLIC WORKS AND UTILITY SERVICES DIRECTOR
SUBJECT: ADOPT A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA TO SUMMARILY VACATE A RECTANGULAR PORTION OF EXCESS RIGHT-OF-WAY ALONG THE EAST SIDE OF VALLEY BOULEVARD.

RECOMMENDED ACTION

It is recommended that the City Council: (1) adopt the proposed Resolution to summarily vacate the excess right of way described in the proposed Resolution and in this report; and (2) direct City staff to record the Resolution with the San Bernardino County Recorder.

GOAL STATEMENT

The proposed action will help implement the City Council's FYI 2010-2011 goal to "continue to update policies, ordinances and processes when and as needed."

BACKGROUND

In 1995, the City and the County of San Bernardino entered into a Memorandum of Understanding (MOU) for traffic mitigation and infrastructure improvements related to the Medical Center Project (Arrowhead Regional Medical Center). In 1998, the City and County entered into a Land Exchange Agreement related to the 1995 MOU. The agreement pertained specifically to the Pepper Avenue and Valley Boulevard Realignment Project, one of the traffic mitigation improvements identified in the 1995 MOU.

The agreement stated that once the Realignment Project was complete, the City and the County would exchange the "old" street right-of-way at the Valley Boulevard/Pepper Avenue intersection for the "new" right-of-way. In 2007, the City completed the realignment of the intersection of Valley Boulevard and Pepper Avenue, resulting in excess right-of-way as anticipated. The City has completed road improvements that involve new curb, gutter and sidewalks along the frontage of Valley Boulevard from Rexford Street to Meridian Avenue. In order to implement the exchange of

public right-of-way as contemplated in the 1998 Land Exchange Agreement, the City and County have determined that the City must summarily vacate the "old" right-of-way.

ISSUES/ANALYSIS

California Streets and Highways Code section 8334 authorizes the City Council to vacate an excess right-of-way of a street or highway not required for street or highway purposes. The summary vacation procedure requires adopting a resolution that includes certain information required under Streets and Highways Code section 8335. Specifically, the resolution must: (1) state that the summary vacation is made pursuant to Chapter 4 (Summary Vacation), Part 3, Division 9 of the California Streets and Highways Code; (2) provide the description of the area to be vacated, or reference a precise map that describes the area and permanently retain the map as part of the recorded Resolution; (3) include the facts under which the summary vacation is made; and, (4) state that upon the recordation date, the area will no longer constitute a right-of-way.

In compliance with the foregoing requirements, City staff has prepared the proposed Resolution, attached to this report as Attachment "A," to summarily vacate the excess right-of-way, which is a rectangular portion of excess right-of-way along the east side of Valley Boulevard, located southeast of the realigned intersection of Valley Boulevard and Pepper Avenue, between Meridian Avenue and Rexford Street. The proposed Resolution includes the information required by Streets and Highways Code section 8335, as well as additional findings provided by City staff, which include:

- (1) There is no immediate or future need for the excess right-of-way.
- (2) The excess right-of-way does not contain active public utility facilities.
- (3) The summary vacation of the excess right-of-way is consistent with the City's General Plan, since the current General Plan and the proposed amended General Plan do not show a proposed roadway where the excess right-of-way is located.
- (4) The properties adjoining the excess right-of-way will continue to have access.

After the Resolution has been approved by the Council, staff must record the document with the County Recorder. Once the document is recorded, the vacation process will be complete and the area will no longer constitute a right-of-way.

FISCAL IMPACTS

No Fiscal Impacts are associated with this action.

ENVIRONMENTAL IMPACTS

The proposed Resolution and the proposed summary vacation of the excess right-of-way are not activities subject to the California Environmental Quality Act ('CEQA'), pursuant to State CEQA Guidelines Section 15060(c)(2) and (c)(3) [the activity will not result in a direct or reasonably foreseeable indirect physical change to the environment; the activity is not a project under Section 15378]. Therefore, no further environmental assessment is required.

ALTERNATIVES

1. Deny approval of the proposed Resolution.
2. Provide alternative direction to staff.

ATTACHMENTS

Attachment "A" – Proposed Resolution No. R-37-11

ATTACHMENT "A"

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA TO SUMMARILY VACATE A RECTANGULAR PORTION OF EXCESS RIGHT-OF-WAY ALONG THE EAST SIDE OF VALLEY BOULEVARD, LOCATED SOUTHEAST OF THE REALIGNED INTERSECTION OF VALLEY BOULEVARD AND PEPPER AVENUE, BETWEEN MERIDIAN AVENUE AND REXFORD STREET, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8330, ET SEQ.

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RESOLUTION NO. R-37-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA TO SUMMARILY VACATE A RECTANGULAR PORTION OF EXCESS RIGHT-OF-WAY ALONG THE EAST SIDE OF VALLEY BOULEVARD, LOCATED SOUTHEAST OF THE REALIGNED INTERSECTION OF VALLEY BOULEVARD AND PEPPER AVENUE, BETWEEN MERIDIAN AVENUE AND REXFORD STREET, PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8330, ET SEQ.

WHEREAS, the California Streets and Highways Code provides that an excess right-of-way of a street or highway may be summarily vacated if certain conditions are met; and

WHEREAS, the City of Colton ("City") holds a right-of-way for street and public utility purposes over, under and upon that portion of Valley Boulevard between Meridian Avenue and Rexford Street which is southeast of the realigned intersection of Valley Boulevard and Pepper Avenue (hereinafter references as "Portion of Valley Boulevard"); and

WHEREAS, the City has received a request from the County of San Bernardino to summarily vacate the Portion of Valley Boulevard in fulfillment of a 1998 Land Exchange Agreement entered into by the City and County of San Bernardino for the Pepper Avenue and Valley Boulevard Realignment Project; and

WHEREAS, the excess right-of-way described herein is not required for street or highway purposes; and

WHEREAS, this summary vacation is made pursuant to the California Streets and Highways Code, Division 9, Part 3 (sections 8300 et seq.), Chapter 4 – Summary Vacation.

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Incorporation of Recitals. The City Council hereby finds and determines that the recitals of this Resolution are true and correct and are hereby incorporated into this Resolution.

1 SECTION 2. Findings. The City Council further finds that:

2 (a) The subject excess right-of-way to be vacated is not required for present or
3 prospective public use, either for street or highway purposes or for any other public circulation
4 use such as pedestrian, bikeway, or other non-motorized transportation access.

5 (b) The subject excess right-of-way has not been used for the purpose for which it
6 was acquired.

7 (c) The excess right-of-way to be vacated does not contain active public utility
8 facilities.

9 (d) Those properties adjoining the excess right-of-way to be vacated will continue
10 to have access.

11 (e) This summary vacation is consistent with the City's General Plan since the
12 current General Plan and the proposed amended General Plan do not show a proposed roadway
13 where the excess right-of-way is located.

14 (f) The public street system for which the excess right-of-way was originally
15 acquired will not be detrimentally affected by this vacation.

16 (g) The legal description and plat map are technically correct and in compliance
17 with the aforementioned sections of the California Streets and Highways Code and other
18 applicable State and local laws.

19 SECTION 3. Order of Vacation. The City Council, under the authority vested in it by
20 the California Streets and Highways Code, hereby orders the vacation of the excess right-of-
21 way described herein as that rectangular portion of excess right-of-way along the east side of
22 Valley Boulevard, which is located southeast of the realigned intersection of Valley Boulevard
23 and Pepper Avenue, between Meridian Avenue and Rexford Street, referenced herein as the
24 Portion of Valley Boulevard, which location is more particularly described in Exhibit "A," and
25 which is attached hereto and incorporated herein by this reference.

26 SECTION 4. Certification, Recordation and Retention. The City Clerk shall cause a
27 certified copy of this Resolution, attested by the City Clerk under seal, to be recorded without
28 acknowledgment, certificate of acknowledgment, or further proof, in the office of the San
Bernardino County Recorder. Pursuant to California Streets and Highways Code section 8336,
no fee shall be charged for such recordation. The City Clerk shall permanently maintain a true
and correct copy of this Resolution.

SECTION 5. Completion of Vacation. Upon the date this Resolution is recorded, the vacation shall be complete and the excess right-of-way described herein will no longer constitute a right-of-way.

SECTION 6. Effective Date. This Resolution shall become effective upon its adoption.

SECTION 7. California Environmental Quality Act. The City Council hereby finds that this action is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) [the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment] and 15060(c)(3) [the activity is not a project as defined in Section 15378] of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because this action has no potential for resulting in physical change to the environment, directly or indirectly. Therefore, no further environmental assessment is required.

PASSED, APPROVED AND ADOPTED THIS 3RD DAY OF MAY, 2011.

DAVID R. ZAMORA
Mayor

ATTEST:

EILEEN C. GOMEZ, CMC
City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION AND DEPICTION
OF THE PORTION OF VALLEY BOULEVARD

[ATTACHED BEHIND THIS PAGE]

EXHIBIT "A"

PARCEL "A" (East side – "old" Valley Boulevard)

Those portions of Valley Boulevard described as follows:

That portion of Lot 215, Map of the Town of Rialto, as per plat recorded in Book 4 of Maps, page 11, records of the County of San Bernardino, State of California, described in deed to the State of California, recorded February 5, 1935, in Book 1038, page 48 of Official Records of San Bernardino County, said parcel described in said deed as follows:

(Restated as recorded)

That portion of Farm Lot 215 of the TOWN OF RIALTO and Adjoining Subdivisions, as per map recorded in Book 4 of Maps, at Page 11, Records of San Bernardino County, State of California, described as follows:

Beginning at a point in the west line of said Farm Lot 215, distant thereon S. 0°10'10" E., 70.61 feet, from the northwest corner of said Farm Lot 215; thence S. 77°10'10" E., 1004.14 feet; thence along a curve to the left, with a radius of 4950 feet, through an angle of 3°18'50", a distance of 286.30 feet, to a point in the east line of said Farm Lot 215, distant thereon S. 0°03'50" W., 353.59 feet, from the northeast corner of said Farm Lot 215; thence S. 0°03'50" W., 101.35 feet, along said east line thence from a tangent bearing N. 80°40'10" W., along a curve to the right, with a radius of 5050 feet, through an angle of 3°30'10", a distance of 308.73 feet thence N. 77°10'10" W., 972.85 feet; thence along a curve to the left, with a radius of 6950 feet, through an angle of 0°04'03", a distance of 8.19 feet, to a point in said west line of Farm Lot 215; distant thereon S. 0°10'10" E., 173.25 feet, from said northwest corner of Farm Lot 215; thence N. 0°10'10" W., 102.64 feet, along said west line, to the point of beginning; containing 2.96 acres, more or less.

RECITAL: For the purpose of this description, the west, north and east lines of said Farm Lot 215 shall be considered as the east, south and west right of way lines of the adjoining streets.

(End of deed Book 1038, Page 48, Official Records)

TOGETHER with that portion of Valley Boulevard described in deed to the State of California, recorded August 2, 1937, as Book 1220, page 207, of Official Records of San Bernardino County, said parcel described in said deed as follows:

(Restated as recorded)

That portion of Farm Lot 215 of the TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, as per map filed in Book 4 of Maps, at Page 11, Records of San Bernardino County, State of California, lying between the northeasterly line of the State Highway, as conveyed to the State of California by deed recorded in Book 1038 of Official Records, at Page 48, Records of said County, and a line 50 feet

northeasterly therefrom radially or at right angles and concentric or parallel therewith containing 1.46 acres, more or less.

ALSO, that portion of Farm Lot 215 of the TOWN OF RIALTO AND ADJOINING SUBDIVISIONS, as per map filed in Book 4 of Maps, at page 11, Records of San Bernardino County, State of California, lying between the southwesterly line of the State Highway, as conveyed to the State of California by deed recorded in Book 1038 of Official Records, at Page 48, Records of said County, and a line 50 feet southwesterly therefrom radially or at right angles and concentric or parallel therewith; containing 1.48 acres, more or less.

(End of deed Book 1220, Page 207 Official Records)

Excepting therefrom the following described portions:

EXCEPT that portion of Valley Boulevard described in Vacation by Resolution of the Board of Supervisors, recorded November 8, 1961, in Book 5581, page 295, of Official Records, said parcel described in said deed as follows:

(Restated as recorded)

Beginning at the intersection of the center line of Pepper Avenue with the center line of Colton Avenue, as said intersection is shown on the Map of The Town of Rialto and Adjoining Subdivisions as per map recorded in Book 4, Page 11 of Maps in the office of the Recorder of said County;

Thence North 89°31'45" East a distance of 30 feet to an intersection with the Northerly prolongation of the East line of said Pepper Avenue;

Thence South 0°27'59" East along said prolongation and East line a distance of 49.45 feet to a point on the North line of said Valley Boulevard;

Thence South 77°26'05" East a distance of 3.08 feet, along the North line of said Valley Boulevard, to the true point of beginning, said point also being a distance of 33 feet, measured at right angles from the center line of said Pepper Avenue;

Thence continuing South 77°26'05" East a distance of 1012.37 feet, along the North line of said Valley Boulevard, to the beginning of a tangent curve, concave to the Northeast, having a radius of 4900 feet;

Thence Southeasterly along said curve, being also along the North line of said Valley Boulevard, a distance of 267.09 feet through an angle of 3°07'23" to the end of said curve, a radial line through said end bearing South 9°26'32" West, said end of curve also being a distance of 33 feet, measured at right angles from the center line of Meridian Avenue, said end of curve also bears South 89°31'45" West a distance of 33.01 feet and South 0°38'50" West a distance of 331.65 feet from the intersection of the center line of aforesaid Colton Avenue with the center line of said Meridian Avenue;

Thence South 0°38'50" West a distance of 22.18 feet to the beginning of a tangent curve concave to the Northwest having a radius of 20 feet;

Thence Southerly along said curve a distance of 34.55 feet through an angle of 98°59'07";

Thence Westerly a distance of 253.12 feet through an angle of 2°55'58" along a compound curve concave to the Northeast having a radius of 4945 feet;

Thence tangent to said curve North 77°26'05" West a distance of 986.05 feet to the beginning of a tangent curve, concave to the Northeast having a radius of 20 feet;

Thence Northerly along said curve a distance of 26.87 feet through an angle of 76°58'06", which curve is also tangent to a line that is parallel with, and measured at right angles, is 33 feet East of the center line of aforesaid Pepper Avenue;

Thence North 0°27'59" West along said parallel line a distance of 30.29 feet to the point of beginning.

"Reserving and excepting from the abandonment the existing rights of way of any and all public utilities, and the easement and right at any time or from time to time, pursuant to any existing franchise or renewals thereof, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, and any other fixtures for the operation of lines for the distribution of water, fuel or power"

(End of Resolution Book 5581, page 295 Official Records)

ALSO EXCEPTING that portion of Valley Boulevard lying northeasterly of a line that is parallel and concentric with and 66.00 feet southwesterly of the centerline of Valley Boulevard realignment as described in Exhibit "B" of deed to the County of San Bernardino recorded October 22, 1997, as Document No. 19970386485, Official Records of San Bernardino County and its southeasterly extension being tangent to the last curve of said Valley Boulevard realignment. Said tangent line having a bearing of South 77°25'20" East and being extended to an intersection with the northerly right of way of Interstate Route 10 as shown on State of California Right of Way Map Number 984581, dated November 16, 1969. Said map also filed in the San Bernardino County Surveyor's Office as County Surveyor's (C.S.) map number 7669-1. Said centerline described in said deed as follows:

(Restated as recorded)

COMMENCING at a point in the centerline of Valley Boulevard, said point being the terminus of a 7000.00 foot radius curve, concave to the Southwest, as shown on California State Highway Map approved July 19, 1937, and being on file in the office of the County Surveyor of the County of San Bernardino, designated as County Surveyor Plat No. 3157, a radial line through said point bears North 12°34'40" East; thence Northwesterly along the centerline of Valley Boulevard, said centerline being a curve concave Southwesterly and having a radius of 6655.27 feet, through a central angle of 00°26'10", an arc distance of 50.66 feet (50.36 feet per Book 6747, page 325) to an intersection with the centerline of Pepper Ave. (60.00 feet wide) as shown on Map of The Town of Rialto and Adjoining Subdivisions as per Map recorded in Book 4 of Maps, page 11, records of said County; thence continuing along said centerline curve through a central

Valley Blvd @ Pepper Avenue
Land Exchange
City of Colton to County of San Bernardino

angle of 7°38'36", an arc distance of 887.82 feet to the TRUE POINT OF BEGINNING, said point being a point of cusp and the beginning of a curve concave Northwesterly and having a radius of 850.00 feet, a radial line through said point bears South 4°29'54" West; thence Northeasterly along said curve through a central angle of 28°06'49", an arc distance of 417.07 feet to the point of a reverse curve concave Southerly and having a radius of 850.00 feet; thence Northeasterly, Easterly, and Southeasterly along said curve through a central angle of 67°53'19", an arc distance of 1007.15 feet to the point of a reverse curve concave Northeasterly and having a radius of 850.00 feet; thence Southeasterly along said curve through a central angle of 31°41'44", an arc distance of 470.21 to the POINT OF TERMINUS, said point being a point of tangency with said centerline of Valley Boulevard, said point bears South 77°25'20" East, a distance of 842.22 feet, as measured along said centerline of Valley Boulevard, from the POINT OF COMMENCEMENT.

(End of Centerline of Valley Boulevard Realignment per
Document No. 19970386485, Official Records)

ALSO EXCEPTING that portion lying within the right of way of Interstate Route 10 as shown on State of California Right of Way Map Number 984581, dated November 16, 1969. Said map also filed in the Surveyor's Office of the County of San Bernardino as County Surveyor's (C.S.) map number 7669-1.

(End Exhibit "C")

Job No. H13003
Prepared by:
L.S.

This legal description was prepared by me or under
my direction.

By: *Travis G. Kottwitz*
Travis G. Kottwitz, Professional Land Surveyor
Date: 10/06/10, P.L.S. #7617



EXHIBIT "C"

East Side

INDICATES AREA OF EXCHANGE TO THE
COUNTY OF SAN BERNARDINO - 91,437sf 2.10ac



A.P.N. 0254-081-37
W1/2 LOT 214 EX. N 400'
COUNTY OF SAN BERNARDINO

REALIGNMENT VALLEY BLVD.
COLTON

AVE. (VACATED)

A.P.N. 0254-191-08

A.P.N. 0254-191-05

A.P.N. 0254-191-10

A.P.N. 0254-191-09

Oct 7, 2010

COUNTY OF SAN BERNARDINO
DEPARTMENT OF PUBLIC WORKS

VALLEY BOULEVARD
AND
PEPPER AVENUE
LAND EXCHANGE AREAS
CITY OF COLTON

L4 S0028'00"E 30.28'
L5 N0023'33"W 12.32'
L6 N0028'00"W 49.33'
L9 N0023'33"E 30.00'
L10 N0023'33"E 56.85'
L15 S0045'55"W 33.06'
L16 N0023'33"W 24.95'

C36
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C32
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C17

Δ=0713'45"
R=6900.00'
L=27.59'

Δ=0726'10"
R=6900.00'
L=26.87'

Δ=0758'17"
R=6900.00'
L=26.87'

File: Pepper and Valley Land Exchange Exhibits East

PARCEL NO.	W.O. NO.	SCALE	1" = 120'
ROAD NO.	842600		

TO S.B. COUNTY



C/L PEPPER AVE
PER MAP OF
TOWN OF RALTO

PEPPER

AVENUE

VALLEY

Parcel "B"

BLVD.

SLY LINE OF ADJACENT
BOOK 5581 PG 203

INVEST DETERMINED OF LAST CLOSURE
OF VALLEY AND REALIGNMENT PER
BOOK 5581 PG 203

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